

Group III: Claims 59-60, drawn to a method for reverse transcribing RNA;

Group IV: Claims 61-75, drawn to a method of identifying mutant polypeptide;
and

Group V: Claims 76-77, drawn to a method of obtaining enzyme.

In addition, the Examiner is also requiring a sequence election of (a) *two mutations* as recited in Claims 1, 2 or 23, 24 or 39, 40 or 59, 60 **and** (b) *one* polynucleotide sequence (SEQ ID NO:) **or** one polypeptide sequences (SEQ ID NO:).

Applicants provisionally elect Group I, Claims 1-22, 78, 79, drawn to a polynucleotide, with traverse. With the election of Group I, Applicants elect as a species SEQ ID NO: 19. The elected sequence encodes a polypeptide having a mutation in amino acid 761 (this mutation corresponds to M484 as referred to claim 1). Claims 1-8, 17-30, 39-47, and 56-77 read on the elected Species.

Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application. MPEP §803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Applicants respectfully traverse the Election of Species Requirement on the grounds that the Office has not provided any reasons, whatsoever, to support the conclusion of patentable distinctness. Rather, the Office has merely stated the conclusion.

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed. MPEP §808.01(a). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct. Accordingly,

Applicants respectfully submit that the restriction is improper, and Applicants' election of species is for examination purposes only.

Finally, with respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office should expand its search to the non-elected species.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction and Election of Species Requirement. Withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Finally, Applicants remind the Examiner of MPEP §821.04

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Upon a finding of allowability of the elected product claims, Applicants respectfully request rejoinder of withdrawn process claims.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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